IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No. 1691 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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MOHANBHAI BHIKHABHAI PATEL - Applicant(s)
Versus
STATE OF GUJARAT - Respondent(s)

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Appearance :
MR BALRAM D JAIN for Applicant(s) : 1,
MR KT DAVE, ADDL. PUBLIC PROSECUTOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 07/09/2007

ORAL JUDGMENT

1. ***Rule***. Mr.K.T.Dave, learned APP waives service of rule on behalf of the respondent- State. With the consent of the learned Advocates appearing

on behalf of the respective parties, the matter is taken for final hearing today.

2. At the outset Mr.Balram Jain, learned Advocate appearing on behalf of the applicant does not press the present application with regard to release of *Muddamal* for which the application of the applicant is rejected. However, he has submitted that so far as the *Muddamal* already released i.e. Articles Nos.3,4,5,6 and 7 for which the petitioner is directed to furnish surety / bond of Rs.15,000/- and personal bond of like amount is concerned, he has requested to reduce the same.

3. In the peculiar facts and circumstances of the case, the condition imposed by the learned trial Court while handing over the possession of *Muddamal* articles Nos. 3,4,5,6 and 7 and directing the petitioner to furnish surety/ bond of Rs.15,000/- and personal bond of like amount is concerned, it is modified to the extent that instead of 'Rs.15,000/-', the petitioner to furnish surety/bond of 'Rs.10,000/-' and personal bond of like amount only so far as release of *Muddamal* article nos. 3,4,5,6

and 7 are concerned. Order dated 17.04.2007 passed by the learned Chief Judicial Magistrate, Surat is modified to the aforesaid extent. Rest of the order and conditions is hereby confirmed. The present petition is disposed of accordingly. Rule is made absolute to the aforesaid extent. Direct service is permitted.

[M.R.Shah, J.]

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